

FILED
U.S. DISTRICT COURT
NORTHERN DISTRICT OF IOWA

2003 APR 29 PM 4: 07

CLERK'S OFFICE

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF IOWA
CEDAR RAPIDS DIVISION**

BY _____

JOHN G. SNYDER,

Plaintiff,

vs.

YELLOW FREIGHT SYSTEMS, INC.,

Defendant.

No. C01-119

VERDICT FORM

DIRECTIONS

The verdict in this case will be determined by your answers to a series of questions set forth below. Make sure that you read the questions and notes carefully because they explain the order in which the questions should be answered and which questions may be skipped.

In Question 1, you will be asked whether Plaintiff's age was a motivating factor in Defendant's decision not to hire him. Age is a "motivating factor" if age is a consideration that moved Defendant toward its decision, that is, if it played a part in Defendant's decision. If it has been proved that Plaintiff's age was a motivating factor in Defendant's decision, you must answer "yes" to Question 1. If it has not been proved, you must answer "no" to Question 1.

In Question 2, you will be asked whether Plaintiff's age was a determining factor in Defendant's decision not to hire him. "Age was a determining factor" only if Defendant would have hired Plaintiff but for Plaintiff's age. It does not require that age was the only reason for the decision made by defendant. You may find that age was a determining factor

if you find Defendant's stated reasons for its decision are not the true reasons, but are a pretext to hide age discrimination. If it has been proved that Plaintiff's age was a determining factor in Defendant's decision, you must answer "yes" to Question 2. If it has not been proved, you must answer "no" to Question 2.

In Question 3, you will be asked whether Defendant would not have hired Plaintiff, regardless of his age. If it has been proved that Defendant would not have hired Plaintiff regardless of his age, you must answer "yes" to Question 3. If it has not been proved, you must answer "no" to Question 3.

Question 4 deals with the amount of damages Plaintiff is eligible to recover. In answering Question 4, you are instructed to assess Plaintiff's damages in accordance with Instruction No. 11.

Question 5 deals with whether Defendant's conduct was "willful." Defendant's conduct was willful if you find by the greater weight of the evidence that, when Defendant failed to hire Plaintiff, Defendant knew the failure to hire was in violation of the federal and/or state laws prohibiting age discrimination, or acted with reckless disregard of that law.

QUESTIONS

We the jury unanimously find the following verdict on the questions submitted to us:

QUESTION 1:

Has it been proved by the greater weight of the evidence that Plaintiff's age was a motivating factor in Defendant's decision not to hire him?

☒ Yes ☐ No
(Mark an "X" in the appropriate space)

Note: Continue on to Question 2 only if you answered "Yes" to Question 1. If you answered "No" to Question 1, you need not answer Questions 2 through 5. You should have your foreperson sign and date this form because you have completed your deliberation on this age-discrimination claim.

QUESTION 2:

Has it been proved by the greater weight of the evidence that Plaintiff's age was a determining factor in Defendant's decision not to hire him?

☐ Yes ☒ No
(Mark an "X" in the appropriate space)

Note: Continue on to Question 3 only if you answered "No" to Question 2. If you answered "Yes" to Question 2, go directly to Questions 4 and 5.

QUESTION 3:

(Answer this question if you answered "Yes" to Question 1 and "No" to Question 2.)

Has it been proved by the greater weight of the evidence that Defendant would not have hired Plaintiff regardless of his age?

☒ Yes ☐ No
(Mark an "X" in the appropriate space)

Note: Continue on to Questions 4 and 5 only if you answered "No" to Question 3. If you answered "Yes" to Question 3, have your foreperson sign and date this form because you have completed your deliberations on this age-discrimination claim.

Question 4:

(Answer this question only if you answered "Yes" to Question 2 or "No" to Question 3.)

What is the amount of Plaintiff's damages as that term is defined in Instruction No. 11?
(Enter 0 if you find no damages as to either category.)

Back pay: \$ _____

Emotional Distress: \$ _____

Question 5:

(Answer this question even if you answered "Yes" to Question 2 or "No" to Question 3.)

Has it been proved by the greater weight of the evidence that Defendant's conduct was "willful"?

_____ Yes _____ No
(Mark an "X" in the appropriate space)

The foreperson should sign and date this Verdict Form.

Dated this 29 day of April, 2003

Copies mailed on 4/29/03
to counsel of record or law firm
parties be shown on this verdict
sheet.

De
Deputy Clerk